

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

MARIA J. OYOLA-RIVERA,

**Plaintiff,**

**v.**

COMMISSIONER OF SOCIAL SECURITY,

**Defendant.**

**CIVIL NO. 11-1150 (FAB)**

**MEMORANDUM AND ORDER**

BESOSA, District Judge.

A district court may refer a pending dispositive motion to a magistrate judge for a report and recommendation. See 28 U.S.C. § 636(b)(1)(B); Fed.R.Civ.P. 72(b); Loc. Rule 72(c). Any party adversely affected by the report and recommendation may file written objections within fourteen days of being served with the magistrate judge's report. A party that files a timely objection is entitled to a *de novo* determination of "those portions of the report or specified proposed findings or recommendations to which specific objection is made." Sylva v. Culebra Dive Shop, 389 F.Supp.2d 189, 191-92 (D.P.R. 2005) (citing United States v. Raddatz, 447 U.S. 667, 673 (1980)). Failure to comply with this rule precludes further review. See Davet v. Maccorone, 973 F.2d 22, 30-31 (1st Cir. 1992). In conducting its review, the court is free to "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636 (a)(b)(1). Templeman v. Chris Craft Corp., 770

Civil No. 11-1150 (FAB)

2

F.2d 245, 247 (1st Cir. 1985); Alamo Rodriguez v. Pfizer Pharms., Inc., 286 F.Supp. 2d 144, 146 (D.P.R. 2003). Furthermore, the Court may accept those parts of the report and recommendation to which the parties do not object. See Hernandez-Mejias v. General Elec., 428 F.Supp.2d 4, 6 (D.P.R. 2005) (citing Lacedra v. Donald W. Wyatt Det. Facility, 334 F.Supp.2d 114, 125-126 (D.R.I. 2004)).

On November 18, 2011, the United States magistrate judge issued a Report and Recommendation (R&R) in this case, indicating that the Commissioner of Social Security's decision is supported by substantial evidence in the record and recommending that it should be **AFFIRMED**. (Docket No. 17.) Defendant filed an objection to the R&R on November 22, 2011. (Docket No. 18). The Court has made an independent examination of the entire record in this case, including plaintiff's objection to the R&R, and **ADOPTS** the magistrate judge's findings and recommendations as the opinion of this Court. Accordingly, the Commissioner's decision is **AFFIRMED**.

Judgment shall be entered accordingly.

**IT IS SO ORDERED.**

San Juan, Puerto Rico, November 28, 2011.

s/ Francisco A. Besosa  
FRANCISCO A. BESOSA  
UNITED STATES DISTRICT JUDGE